

KNUT/LAB/52/7/2011.

August 30, 2011.

Hon. John Munyes,
The Minister for Labour,
Ministry of Labour,
P.O. Box 40326,

NAIROBI.

Dear Sir,

REPORTING A TRADE DISPUTE BETWEEN THE KENYA NATIONAL UNION OF TEACHERS (KNUT) AND THE TEACHERS SERVICE COMMISSION (TSC)

We write to report to you the existence of a trade dispute between the Kenya National Union of Teachers (KNUT) and the Teachers service Commission (TSC). The issue in dispute is as follows:-

"EMPLOYMENT OF TRAINED, QUALIFIED PROFESSIONAL TEACHERS UNDER DISCRIMINATORY AND ILLEGAL CONTRACTUAL TERMS SINCE 2009".

As you are aware, the TSC and KNUT negotiate(s) the terms and conditions of service for teachers within the Teachers Service Remunerations Committee (TSRC), and thereafter the employer is required to employ teachers under terms contained in the Schemes of Service as negotiated. We wish to report that under the current schemes of service, there is no provision for employment of teachers on contract. In fact, employment of teachers on contract is illegal and *ultra-vires*.

We have been in correspondence with the Minister for Finance before the budget was drawn regarding the need to make provisions in the budget to cater for the conversion of the contract teachers to Permanent and Pensionable terms as is contained in the schemes of service.

The Union wrote to the Minister for Finance vide our letter Ref. No. **KNUT/EDU/49/18/2011 dated May 4, 2011** citing the dire shortage of teachers. The Union implored the Minister to make budgetary allocation to enable the TSC to convert the 18,000 teachers who were employed on contract to permanent and pensionable terms. Later on, the Union held meetings with the TSC and emphasized on the need to immediately regularize the employment of these teachers.

To our disappointment, when the budget was read, there was **NO** provision for conversion of contract teachers to Permanent and Pensionable terms. The Union has followed proceedings in parliament closely, and we have extracts from the Hansard which clearly indicate that Parliament adopted the amendments recommended by the Budget Committee requiring the re-allocation of finances to the TSC for immediate employment of 28,000 teachers.

Bwana Waziri, teachers of this nation are concerned and perturbed by the fact that the employer is treating casually the issue that contractual terms of employment discriminate upon teachers of equal qualifications and same training. The Union has addressed the employer severally on this issue, but our discussions do not seem to bear fruits.

We are therefore reporting this matter to you as a dispute as s required under the **Labour Relations Act 2007, Section 62.**

As a result of the Commission's intransigence on this issue, the National Executive Council (NEC) of the KNUT on behalf of the membership of KNUT, resolved that the Union serves the Commission with **a seven (7) day notice from today, Tuesday August 30, 2011 of the intended Industrial Action.**

At the expiry of the 7 days notice, if no solution will have been found to this problem, all the members of the Union shall commence Industrial Action as directed by the NEC.

We are calling upon you as the Minister for Labour to consider all avenues available to your Ministry to ensure that the TSC adheres to the laws laid down in the TSC Act, Cap 212 and the schemes of service developed through tripartite negotiations to ensure that teachers are employed on fair and equitable terms of service.

We are hopeful that with your intervention, a solution will be found.

Yours faithfully,

(D. O. OSIANY)
SECRETARY GENERAL

K.N.U.T.

The Permanent Secretary,
Ministry of Labour,
P.O. Box 40326,

NAIROBI.

The Secdretary/Chief Executive Officer,
Teachers Service Commission,
Pribate Bag,

NAIROBI.

The National Chairman,
KNUT Head Office.

The National Treasurer,
KNUT Head Office.

All NEC members.

All National trustees,

All Branch Chairmen.

All Branch Treasurers.